



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

Paper No. None

SCULLY SCOTT MURPHY & PRESSER, PC
400 GARDEN CITY PLAZA
SUITE 300
GARDEN CITY NY 11530

COPY MAILED

AUG 24 2005

OFFICE OF PETITIONS

In re Application of :
Nina Rautonen et al. :
Application No. 10/663,562 :
Filed: September 16, 2003 :
Attorney Docket No.: 17031 :
Title: NOVEL USE OF CARBOHYDRATES :
AND COMPOSITIONS :

DECISION ON TWO PETITIONS
UNDER 37 C.F.R. §§1.53 and 1.137(b)

This is a decision on the petitions under 37 CFR §§ 1.53 and 1.137(b)¹ to revive the above-identified application, filed April 29, 2005 and August 11, 2005, respectively.

The petition under 37 C.F.R. §1.137(b):

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Missing Parts (notice), mailed December 10, 2003, which set a shortened statutory period for reply of two (2) months. The Notice indicated that a filing date had not been accorded, drawings were not received, the oath or declaration was missing, and an abstract had not been submitted. No response was received, and no extensions of time under the provisions of 37 C.F.R. §1.136(a) were requested. Accordingly, the above-identified application became abandoned on March 11, 2004.

Petitioner has submitted the petition fee and the proper statement of unintentional delay. A terminal disclaimer is not required, and an executed declaration was submitted on April 29, 2005. The requirement for drawings will be discussed below.

As such, the petition under 37 C.F.R. §1.137(b) is **GRANTED**.

¹ A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
- (4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

The petition under 37 C.F.R. §1.53:

As set forth above, the notice set forth that drawings were not received.

Mr. Bressler has stated, over his registration number, that drawings are “unnecessary for an understanding of the subject matter sought to be patented².”

Based solely on the Attorney’s attestation, the petition under 37 C.F.R. §1.53 is **GRANTED**.

The petition fee of \$400.00 will not be refunded, as this petition was not necessitated by any error on the part of the Office.

The application file is being returned to the Office of Initial Patent Examination for further processing with a filing date of September 16, 2003, and for **mailing of an updated filing receipt**, using only the original application papers filed on that date.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.



Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office